



**Maine Department of Health and Human Services  
Commissioner's Office  
11 State House Station  
221 State Street  
Augusta, Maine 04333-0011**

**PAUL R. LEPAGE  
GOVERNOR**

**BETHANY L. HAMM  
ACTING COMMISSIONER**

Sent via e-mail

September 4, 2018

Richard R. McGreal, Associate Regional Administrator  
Department of Health and Human Services  
Centers for Medicare and Medicaid Services  
JFK Federal Bldg., Government Center  
Room 2275  
Boston, Massachusetts 02203

RE: TN No. 18-0006, 18-0007

Dear Mr. McGreal:

Submitted for CMS review via the official State Plan Amendment MACPRO Portal, pursuant to an order of a state trial court dated June 4, 2018, is the State Plan Amendment (SPA) 18-0006 and 18-0007, regarding expansion of eligibility for MaineCare under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act, for individuals making up to 133% of the federal poverty level. Though funds have not been legislatively appropriated for this expansion—and the state courts have yet to issue a final order on whether the Department can legally be required to fund the State's share of any projected expenses without an appropriation—submission of this SPA at this time is required by the state trial court's order.

Attached to this cover letter is a correspondence sent to Secretary Azar and Administrator Verma outlining our significant concerns about the submission of this SPA. In addition to the concerns noted in that letter, I would like to note that while we checked the box signifying provision of notification to the Tribes in Maine, that notification did not meet the 30-day notification requirement outlined in our current State Plan and our MACPRO submission would not go through without a tribal notice date in the past. For that reason, MACPRO reflects a tribal notice date of September 3, 2018, whereas our actual notice date uses September 4, 2018. In addition, I cannot overemphasize the risk that the approval of this SPA will place on existing populations based on the fact that our existing budget will be utilized to cover all populations—old and new.

If you have any questions, please contact Stefanie Nadeau, Director, Office of MaineCare Services at 207-287-2093.

Sincerely,



Bethany Hamm  
Acting Commissioner  
Maine Department of Health and Human Services

CC:

Alex M. Azar II, Secretary, US Department of Health and Human Services  
Seema Verma, Administrator, Centers for Medicaid and Medicare Services  
Holly Lusk, Chief of Staff/Legislative Director, Governor's Office  
Madeline Malisa, Chief Counsel, Governor's Office  
Stefanie Nadeau, Director, Office of MaineCare Services  
Patrick Strawbridge, Consovoy McCarthy Park PLLC

Attachments:

A cover letter to your attention  
Transmittal Form 179 for Maine's FMAP Claiming SPA  
Supplement 18 to attachment 2.6A  
Table 1 from Part 2 of the MAGI Conversion Plan.  
Tribal Notice dated September 4, 2018.  
A Letter from Governor LePage to Secretary Azar, dated August 31, 2018.